

AMENDED IN ASSEMBLY JUNE 27, 2012

AMENDED IN SENATE JULY 7, 2011

Senate Joint Resolution

No. 8

Introduced by ~~Committee on Veterans Affairs (Senators Correa (Chair), Berryhill, Calderon, Cannella, Lieu, Negrete McLeod, Rubio, and Runner)~~ *Senator Leno*

May 25, 2011

Senate Joint Resolution No. 8—Relative to ~~TRICARE cost increases~~
hazardous flame retardants.

LEGISLATIVE COUNSEL'S DIGEST

SJR 8, as amended, ~~Committee on Veterans Affairs~~ *Leno*. ~~TRICARE cost increases.~~ *Hazardous flame retardants.*

This measure would urge the federal government's process of identifying alternatives to flame retardants to include, among other things, the design of products that do not require the use of flame retardants. The measure would urge the United States Congress to enact the Safe Chemicals Act to restrict flame retardants that pose health risks. This measure would urge the United States Environmental Protection Agency to, among other things, establish health and safety standards for flame retardant chemicals. The measure would also urge the United States Consumer Products Safety Commission to adopt specified smolder prevention rules that provide improved fire safety without toxicity in furniture, as specified.

~~This measure would urge the United States Congress to take the necessary steps to ensure that Congress itself has the sole authority to determine future TRICARE cost increases, and base any future TRICARE cost changes, including pharmaceutical copays, on cost-of-living adjustments (COLA), as determined by the United States~~

~~Department of Labor and given to all recipients who normally get this COLA.~~

Fiscal committee: no.

- 1 *WHEREAS, An expanding body of peer-reviewed scientific*
- 2 *evidence links exposure to commonly used flame retardant*
- 3 *chemicals to diseases and health conditions that are increasing*
- 4 *in frequency, such as cancers; neurological abnormalities*
- 5 *including hyperactivity, learning deficits, and altered motor*
- 6 *behavior; reduced sperm count and other reproductive*
- 7 *abnormalities; endocrine disruption including thyroid problems;*
- 8 *hormonal changes; and immunosuppression; and*
- 9 *WHEREAS, Americans have the highest levels of flame*
- 10 *retardants, such as polybrominated diphenyl ethers (PBDEs), in*
- 11 *their household dust and in their bodies in the world and, further,*
- 12 *toddlers have PBDE levels three times higher than their mothers;*
- 13 *and*
- 14 *WHEREAS, Children and pregnant women are uniquely*
- 15 *vulnerable to the health threats of toxic flame retardants, and*
- 16 *prenatal and early life chemical exposures have been linked to*
- 17 *cancers, neurological deficits, birth defects, lowered IQ, and*
- 18 *impaired fertility; and*
- 19 *WHEREAS, Scientists have found that exposure to minute doses*
- 20 *of PBDEs and related flame retardants can cause substantial*
- 21 *harm; and*
- 22 *WHEREAS, Up to two pounds of flame-retardant chemicals can*
- 23 *be added to the foam in a single sofa; and*
- 24 *WHEREAS, Many different flame retardants have been*
- 25 *incorporated into consumer electronics, furniture, clothing and*
- 26 *other household products and are present in at least 80 percent*
- 27 *of furniture and juvenile products containing foam in American*
- 28 *homes; and*
- 29 *WHEREAS, PBDEs and related flame retardants continually*
- 30 *migrate out of furniture and other consumer products, and are*
- 31 *found in household dust, people, pets, soil, wastewater, rivers, the*
- 32 *ocean, fish, and marine mammals; and*
- 33 *WHEREAS, During disposal, electronic products containing*
- 34 *flame retardants are often improperly burned releasing toxic*
- 35 *dioxins and furans into the environment; and*

1 WHEREAS, PBDEs and related flame retardants are known to
2 be persistent and bioaccumulative, resulting in increasing food
3 chain contamination and increasing presence in human body tissue,
4 blood, and breast milk; and

5 WHEREAS, PBDEs and related flame retardants used to meet
6 the requirements of Technical Bulletin 117 (TB 117), entitled
7 “Requirements, Test Procedure and Apparatus for Testing the
8 Flame Retardance of Resilient Filling Materials Used in
9 Upholstered Furniture,” provide minimal protection from small
10 flames and no protection from large flames. In furniture the
11 exterior fabric or cover ignites first, exposing the interior foam to
12 a large flame. When exposed to a large flame, the foam burns,
13 whether or not it contains flame retardant chemicals to meet TB
14 117; and

15 WHEREAS, When foam containing PBDEs and related flame
16 retardant chemicals burn, the foam produces substantially higher
17 levels of carbon monoxide, soot, and smoke compared to foam
18 without flame retardants. These toxic gases are the major causes
19 of fire deaths. High levels of toxic dioxins and furans are also
20 produced which can contribute to the high rates of cancer
21 associated with dioxin exposure currently found in firefighters;
22 and

23 WHEREAS, Upwards of 84,000 industrial chemicals are used
24 in the United States and the United States Environmental
25 Protection Agency lacks adequate toxicity information about the
26 majority of these chemicals and the currently available data for
27 many of them raises substantial health and safety concerns; and

28 WHEREAS, The President’s Cancer Panel report released in
29 May 2010 states “the true burden of environmentally induced
30 cancers has been grossly underestimated” and the panel stated
31 that carcinogens and other toxins “needlessly increase health care
32 costs, cripple our nation’s productivity, and devastate American
33 lives”; and

34 WHEREAS, When Americans are exposed to toxic chemicals
35 which pose threats to their health, it results in increasing worker
36 absenteeism, workers’ compensation claims, and health care costs
37 that burden the economy; and

38 WHEREAS, A recent national poll found that 78 percent of
39 American voters were seriously concerned about the threat to

1 *children’s health from exposure to toxic chemicals in day-to-day*
2 *life; and*

3 *WHEREAS, The United States Environmental Protection Agency*
4 *and the United States Consumer Products Safety Commission*
5 *should have regulatory authority to more thoroughly regulate*
6 *these toxic substances in order to better protect the health and*
7 *safety of the public; and*

8 *WHEREAS, The federal Toxic Substances Control Act of 1976*
9 *(Toxic Substances Control Act) was intended to authorize the*
10 *United States Environmental Protection Agency to protect public*
11 *health and the environment from toxic chemicals; and*

12 *WHEREAS, In January 2009, the United States General*
13 *Accounting Office (GAO) added the United States Environmental*
14 *Protection Agency’s regulatory program for assessing and*
15 *controlling toxic chemicals to its list of “high risk” government*
16 *programs that are not working as intended and the 2011 GAO*
17 *update to the “high risk” programs list still contained the EPA’s*
18 *regulatory program for assessing and controlling toxic substances;*
19 *and*

20 *WHEREAS, Legislation to reform the Toxic Substances Control*
21 *Act was brought up in 2010 and further legislation, known as the*
22 *Safe Chemicals Act, designed to substantially reform the existing*
23 *Toxic Substances Control Act, was introduced in 2011 but not*
24 *enacted; and*

25 *WHEREAS, A strong uniform federal standard would be*
26 *beneficial to both consumers and businesses; now, therefore, be*
27 *it*

28 **RESOLVED BY THE SENATE AND THE ASSEMBLY OF**
29 **THE STATE OF CALIFORNIA, JOINTLY, That the Legislature**
30 *urges that the process to be conducted by the federal government*
31 *of identifying alternatives to flame retardants to include the design*
32 *of products, processes, and practices that do not require the use*
33 *of any flame retardants; and be it further*

34 **RESOLVED, That the Legislature urges the 112th Congress to**
35 *enact the Safe Chemicals Act to restrict flame retardants and other*
36 *compounds that pose health risks; and be it further*

37 **RESOLVED, That the Legislature urges the United States**
38 *Environmental Protection Agency to act within its fullest authority*
39 *to protect all Americans by:*

1 (a) *Establishing health safety standards for flame retardant*
2 *chemicals that rely on the best available science to protect the*
3 *most vulnerable, including children and the developing fetus.*

4 (b) *Investing in green chemistry research and workforce*
5 *development to boost American business and spur jobs making*
6 *safer alternatives; and be it further*

7 RESOLVED, *That the Legislature urges the United States*
8 *Consumer Product Safety Commission to adopt its draft smolder*
9 *rule (proposed Section 1634 of Title 16 of the Code of Federal*
10 *Regulations), which that will provide for fire safety without toxicity*
11 *in furniture by allowing these products to meet federal flammability*
12 *standards through the use of smolder resistant fabrics that better*
13 *prevent fire ignition than the use of potentially toxic flame*
14 *retardant chemicals in foam; and be it further*

15 RESOLVED, *That the Secretary of the Senate transmit copies*
16 *of this resolution to each Senator and Representative from*
17 *California in the Congress of the United States, the Administrator*
18 *of the United States Environmental Protection Agency, the*
19 *Chairman and Commissioners of the United States Consumer*
20 *Product Safety Commission, and to the author for appropriate*
21 *distribution.*

22 ~~WHEREAS, Uniformed service members and their families~~
23 ~~endure unique and extraordinary demands and sacrifices protecting~~
24 ~~freedoms for all Americans; and~~

25 ~~WHEREAS, The extent of these demands is never so evident~~
26 ~~as during times of war; and~~

27 ~~WHEREAS, The primary offset for enduring these extraordinary~~
28 ~~sacrifices is a system of benefits, including healthcare coverage,~~
29 ~~titled TRICARE that a grateful nation provides for those who~~
30 ~~choose to subordinate their personal life to the national interest;~~
31 ~~and~~

32 ~~WHEREAS, TRICARE For Life (TFL) serves as Medicare~~
33 ~~wraparound coverage for TRICARE beneficiaries who are entitled~~
34 ~~to Medicare Part A and who have Medicare Part B coverage; and~~

35 ~~WHEREAS, The only exceptions are active duty service~~
36 ~~members, US Family Health Plan enrollees, TRICARE Reserve~~
37 ~~Select enrollees, and TRICARE Retired Reserve enrollees; and~~

38 ~~WHEREAS, TRICARE Prime costs are proposed to be increased~~
39 ~~by the United States Department of Defense with little basis in fact~~
40 ~~for the percentage increase; and~~

1 WHEREAS, This increase and the basis for the increase is under
2 considerable debate by all veterans organizations; now, therefore,
3 be it

4 ~~Resolved by the Senate and the Assembly of the State of~~
5 ~~California, jointly, That the Legislature urges the United States~~
6 ~~Congress to take the necessary steps to ensure that Congress itself~~
7 ~~has the sole authority to determine future TRICARE cost increases;~~
8 ~~and base any future TRICARE cost changes, including~~
9 ~~pharmaceutical copays, on cost-of-living adjustments (COLA), as~~
10 ~~determined by the United States Department of Labor and given~~
11 ~~to all recipients who normally get this COLA; and be it further~~

12 ~~Resolved, That the Secretary of the Senate transmit copies of~~
13 ~~this resolution to the President and Vice President of the United~~
14 ~~States, the Speaker of the House of Representatives, the Majority~~
15 ~~Leader of the Senate, each Senator and Representative from~~
16 ~~California in the Congress of the United States, and to the author~~
17 ~~for appropriate distribution.~~